

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

DOUGLAS HANDSHOE	§ § § § § § §	PLAINTIFF
v.		Civil No. 1:15cv382-HSO-JCG
VAUGHN PERRET, <i>et al.</i>		DEFENDANTS

**ORDER DENYING DEFENDANT/COUNTERCLAIMANT CHARLES
LEARY'S [342] MOTION FOR CONTINUANCE**

BEFORE THE COURT is a Motion [342] for Continuance filed on January 21, 2019, by Defendant/Counterclaimant Charles Leary ("Leary"). Pro se Plaintiff/Counter-Defendant Douglas Handshoe ("Handshoe") has filed a Response [343] in opposition to the Motion [342]. For the reasons stated on the record at the Pretrial Conference held on January 24, 2019, the Court finds that Leary's Motion [342] is not well taken and should be denied. The portion of the Motion [342] requesting a continuance of the Pretrial Conference is moot. To the extent the Motion [342] seeks a continuance of the February 4, 2019, trial date, it will be denied. The bench trial in this matter will commence on **Monday, February 4, 2019, at 9:00 a.m.**, at the Dan M. Russell, Jr., United States Courthouse, 2012 15th Street, Courtroom 706, Gulfport, MS 39501, before United States District Judge Halil S. Ozerden. Defendant/Counterclaimant Charles Leary's counsel, Defendant/Counterclaimant Charles Leary personally, and pro se Plaintiff/ Counter-Defendant Douglas Handshoe must all attend the trial.

IT IS, THEREFORE, ORDERED AND ADJUDGED that, Defendant/Counterclaimant Charles Leary's Motion [342] for Continuance is **DENIED**.

IT IS, FURTHER, ORDERED AND ADJUDGED that, Defendant/Counterclaimant Charles Leary's counsel, Defendant/Counterclaimant Charles Leary personally, and pro se Plaintiff/ Counter-Defendant Douglas Handshoe must all attend the bench trial in this matter, which is set for **Monday, February 4, 2019, at 9:00 a.m.**, at the Dan M. Russell, Jr., United States Courthouse, 2012 15th Street, Courtroom 706, Gulfport, MS 39501, before United States District Judge Halil S. Ozerden.

The parties are cautioned that any party's or his attorney's failure to attend the trial as scheduled and required by this Order may be deemed contumacious behavior. Should a party or his attorney fail to attend trial, the Court may dismiss that party's claim(s) or counterclaim(s), render default or other appropriate judgment against that party, and impose other sanctions without further notice.

SO ORDERED AND ADJUDGED, this the 24th day of January, 2019.

s/ Halil Suleyman Ozerden
HALIL SULEYMAN OZERDEN
UNITED STATES DISTRICT JUDGE